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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,693	11/16/1999	AVERY FONG	5244-0108-2	3302

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EXAMINER

ANYA, CHARLES E

ART UNIT PAPER NUMBER

2126

DATE MAILED: 05/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/440,693

Applicant(s)

FONG ET AL.

Examiner

Charles E Anya

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 1, 6. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 7, 11 – 17, 21 – 27 and 31 – 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 5,949,415 to Lin et al.

As to claim 1, Lin teaches an Interface (Graphical User Interface 3 Col. 3 Ln. 1 – 67), an Application Unit (Client Computer 1 Col. 3 Ln. 1 – 67), a plurality of operations (Task 6/7 Col. 3 Ln. 1 – 67), a Target Application (Operating System 2 Col. 3 Ln. 43 – 57), a Monitoring Unit (Program Monitor 4 Col. 3 Ln. 11 – 67), a Log (Local Record File 5 Col. 3 Ln. 11 – 24), a Dynamic Linked Library (“...DLL...” Col. 3 Ln. 58 – 67, “...TOOLHELP.DLL...” Col. 4 Ln. 36 – 48) and a Communication Unit (Communication Link 9 Col. 3 Ln. 11 – 42).

As to claim 2, Lin teaches a Display Screen (Graphical User Interface 3 Col. 3 Ln. 1 – 67).

As to claim 3, claim 1 covers claim 3 except for an image forming device. Lin teaches an Image Forming Device (“...television...” Col. 3 Ln. 25 – 28).

As to claim 4, see the rejection of claim 3.

As to claim 5, Lin teaches sending the log of the monitored when the user exits the target application (“...Endtime...” Col. 6 Ln. 11 – 32).

As to claim 6, Lin inherently teaches sending the log of monitored data every two or more sessions because the monitored data could be sent to the server on a “period basis” (Col. 6 Ln. 33 – 45).

As to claim 7, see the rejection of claim 6.

As to claims 11 – 17, see the rejection of claims 1 – 7 respectively.

As to claims 21 – 27, see the rejection of claims 1 – 7 respectively.

As to claims 31 – 37, see the rejection of claims 1 – 7 respectively.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 – 10, 18 – 20, 28 – 30 and 38 – 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,949,415 to Lin et al. in view of U.S. Pat. No. 6,163,802 to Lin et al (Hereinafter Lin (6,163,802) would be referred to as Lin Ken).

As to claim 8, Lin is silent with reference to the monitored data being in a form of a map with a key and data value.

Lin Ken teaches the monitored data being in a form of a map with a key and data value (STL map class 1206 Col. 8 Ln. 25 – 67, Col. 9 Ln. 1 – 41). It would have been obvious to apply the teaching of Lin Ken to the system of Lin. One would have been motivated to make such a modification in order to locate data item (Col. 8 Ln. 32 – 34).

As to claim 9, see the rejection of claim 8.

As to claim 10, Lin is silent with reference to the communication unit communicating the monitored data as Internet mail.

Lin Ken teaches the communication unit as communicating the monitored data as Internet mail (“...e-mail...” Col. 3 Ln. 12 – 22). It would have been obvious to apply the teaching of Lin Ken to the system of Lin. One would have been motivated to make such a modification to exploit the universality of e-mail.

As to claims 18, 19, 28, 29, 38 and 39, see the rejection of claim 8.

As to claims 20, 30 and 40, see the rejection of claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M – F (Off First Friday) from 8:30 am to 5:30 pm. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Art Unit: 2126

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya
Examiner
Art Unit 2126

Sue Las